P.7134-92

G. R. S. IX-5]

Previous references.

L.R 207-91

1894-95
~~192~~
(L R)

File No. 155

Serial Nos. 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

Part B for

SUBJECT.

Summary of Sesharama's appeal of Sesharama's ~~appeal~~ re a portion of land excluded as Khasa from his holding

To

The Deputy Commissioner. Mysore District.

sl 6

7105-6 of 5.2.97. Directs that the portion of land which P.7134-92 was excluded from the appellant Sesharama's holding as Khasal, may be restored to him.

Indexed MK.

Countermarked

WD 2233—GPB—20,000—14-6-20

Petition no 35 of 1895-96

Petitioner – Sethanna
Somakadu village
Gundlupet taluk

155-96

Last reference – Survey Supt's
no 455-S 15/1897.

Let it then be
as proposed given
to the petr.
A fair and
a simple answer
of the matter
Sd/-
Send the Govt's letter
Send Govt's letter
Separately given
& send the
Cand to proceed
given to petr
Sd/-
31/1/97

Sd/-
31/1/97

Pet^r complained that in
giving effect to the Govt order
no 2804 (Revenue 9 in Mysore)
P.F. 134
a Dalavai piece of land was
omitted to be made over to him
by the taluk authorities

The petn having been forwarded
by Comm^r for report, he
reported that the Dalavai piece
of land was not liable to submersion
and was not included in
the tank-bed

The above correspondence
having been forwarded to
the Survey Supt for his remarks

he reports that the Law No Objection
to us receiving the Island in question
Having it to Belt

Lieut to 2nd Council

[Gen. Serial No. 32.]

189

No. 55

Name of Petitioner.

Village.

Town.

District.

Date of Arst. 24-6-95

Date of Receipt. 15-7-95

Date of Disposal.

No. of Explosives.

ABSTRACT.

5

appealed to the Dy Comm^r against it; but if the construction put by the Taluk authorities on the order of Govt referred to in correct the present complaint has to be separately investigated & reported upon. The Petr says that the piece of land in question is within the manual boundaries of his ~~land~~ Majr number and that he has put up a ~~bo~~ mound of earth along the boundary line, 6 ft high and put up a hedge.

The sketch given ~~by~~ at the foot of this Petn differs from the Amildar's sketch with regard to the extent of the land now in question.

Subd for orders -

2/8

Submitted to the Hon Councillor Q

Made by 12/8/95 - Copy of order requested - Petr is the Inamdar of Bommenahalli - it is not apparent from the papers on what ground the Amildar's order is contested.

Draft 13/8/95

13.8.95

...ance referred to in para 9 of ...
...he proved that prior to execution ...
...ntiff & 1st Def. the ver of the Contract ...
...ment to be performed by him. He stated ...
...in the 10th Def. that the correct dimensions ...
...enclosed on Sketch was 3 acres ...
...and It is this he meant & took ...
...he deduction of the triangular ...
...piece shown on Sketch in a corner ...
...of the Sketch plan at the back of ...
...the first page of the appeal Petition ...
...in the appeal Petn referred to ...
...Spring term 1st and the Summons dated ...
...and 5-24 and the Petition marked ...
...Exhibit, Sessions case marked Exhibit ...
...was with consent of parties, ...
...by the Court sent to Chambers. ...
...In the Court note below the plaintiff ...
...after (3/2) hours, it was noted that ...
...the portion included in the tank bed ...
...marked No 4 is due to the site ...
...prepared by the Contractor. (1/2) ...
...pleared & have been also claimed. ...

The Contractor subsequently ...
...pending Petn's contention about the ...
...cost of land in question was raised ...
...in Petn dated 6-2-94. ...
...by complainant & the ~~Defendants~~ ...
~~appeal filed & was duly numbered~~ ...
~~Petn in the subject on 6-2-94.~~ ...
~~Petn of 6-2-94 referred to a~~ ...
~~different subject and written~~ ...
...Report of Engr & Surveyor 15-6-94 ...
...the Petition of 4-6-94 (No 3467) was ...
...filed & the subject matter of it escaped ...
...notice - The next Petn on the subject ...
...(No 9678 of 1-10-94) was returned as ...
...it was contempted. The next Petition ...
...dated 12-12-94, ~~was returned as~~ ...
~~premature~~ having been also contempted ...
...it was held & hence a fresh complaint Petn ...
...the 15th April. This Petn was dismissed ...
...accordingly pronounced. Under the above ...
...circumstances the appeal is in time. ...

The order appealed from was passed by ...
...Contractor. Petn does not appear to have ...

...the above appeal against the Petition ...
...not having been heard & remained ...
...without orders. On 4-6-94 Petn ...
...withdrew a Petn praying for an order ...
...in the said Petn of 6-2-94 but as ...
...there were two Petitions of that date ...
...from the Petn's Pleader & different ...
...subjects (one Petn No 2879 of 1893) ...
...the Petn of the wrong file was ...
...referred to, and a Petn was ...

9. 40 Pet F.134-92 ✓ Draft 29-8-95

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT. (12

OFFICIAL MEMORANDUM.

7

L.R 155-94-2

The accompanying Petition No. 35

dated 26th June 1895 received at the

Dewan's Office from Sechanna,

of Venkatasubbia, Shanbhog o

-mahalli village, Gundal Talu

Mysore District, appealing aga

the orders of the Amildar, requi

restore to him one acre of land

ley him to have been wrongly exclude

his holding as Kharab and included

Survey No 523 at the time of settleme

is forwarded, together with its

enclosures, to the Deputy Commis

Mysore District, for his report

regarding the triangular piece

ground shown at the foot of the sket

in his petition, as to whether it

at any time submerged under

water or is outside such contour

26/8

By order,

C.

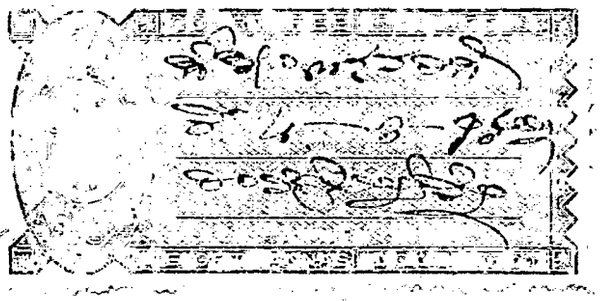
22-8-95 Dph

BANGALORE,

26 — 8 — 1895

Revenue Secretary.

30.



893
closures No. Petition
No. 35 with ets.
1 Mr. + Canarese
papers.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore Nov. 25th 1896.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your memo No. Rev 13492 of the 26th August 1896, forwarding for report the petition of Venkata Subbiah Shanbogue of Somahulli, in the Gundulpet taluk, Complaining of the exclusion of some land from his holding during the Survey Settlement on the ground of its being in the bed of a tank, I beg to State that the land in question was inspected by the 2nd assistant Commissioner. He States that during heavy rains a small quantity of water may stand on it, that it is at some distance from the usual water Spread of the tank and that the Villagers have constructed a pond between this land and the water Spread which shows that this land is not subject to

~~45~~ 12

to Submersion.

2. The petition received with the above memo and the vernacular Correspondence relating to the Subject are herewith submitted. —

I have the honor to be,

Sir,

your most obed^t Serv^t

W. W. Cumberlege

Deputy Commissioner
of the Nagpore district

Comp^d.
WWC.

Submitted with reference to the Revenue Commissioner's order on the Memorials of petrs Nos 35 & 26.6.95

10/12/96.

The Dy Commr reports that the Dalar price of land is not subject to enhancement

Subd to the 2nd Condition

MR 16/12

L.R 155-94-3.

RL-6-Pn 16/12

Send this to the Supt Land ask him what he proposes in the matter of enhancing (and why) whether he has any objn to apply this Circular bids & add it to the Boundaries of the B.N. In the Dy Comrs letter to him reply he has not given a statement of the facts alleged by the petrs for & against the enhancement by the Manager but only the Shekarguds case and

a Copy

Mar 21/12/96.

This may be forwarded

Letter drafted & submitted 6/12/96

Rec'd 4/12

R.P. 34-92

(13)

REVENUE DEPARTMENT
Gl. No. 3002
No. 32-189/1
2 DEC. 96
DEWAN'S OFFICE.

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 25th November 1896
Despatched
Received

Enclosures No. Petition Cy-35 with etc 1 Sn. and Enhancement papers

No. 893

Reporting on the petition of Seshanna son of Venkata Subbia, Shanbhog of Somahalli in this Taluk and State.

Rec'd 27/11

M.I.R.

~~14~~ (14) (1039)
~~13~~ 13

No 6102
P.S. 134-32 § 6.1.97
Encl: 4 + Ver: records.

From

The Secretary to the
Imperial Government.

9

To,

The Superintendent of the
Revenue Survey
in Burma

L.R 155-94-H

Sir,

In transmitting herewith the report of the Assistant Commissioner Insein in original No 893 dated 25th November last together with a file of Vernacular records thereunto received in regard to the memorialists appeal petition from the decision of the Deputy Commissioner Thaton, I have the honor to state as follows:-

R. No 3 of 1897 dated 1-7-95

Petitioner Maung Ba Gaung son of Maung Po Nyo, Kyauktalon village, Kyaukmaraw township, Sandoway district

15

stored by the petitioner. Petitioner appears therein claimed also the portion absorbed into the tank bed but the Government order contains no express reference to it.

In 1898 Petitioner requested the Taluk authorities therein that their prior claim also but compliance with the request was declined on the ground that the Government order above quoted did not authorize it. An appeal having been preferred by the petitioner, the Deputy Commissioner was asked to state whether the portion of the land lies within the water spread of the tank.

H. Dy. Commr. reports

on the subject goes to show
that the portion included
in survey No. 523 is not
subject to submersion.
Under these circumstances
I am desired by the Board
that you will be good enough
to state with reference to
the Government Proceedings
of 1891-92 (a copy of which is herein enclosed)
whether you have
any objection to pass the
irregular bit of land
added to the holding of the
petitioner. It is observed
that the Deputy Commissioner
has been delayed for more
than a year ~~that a wrong~~
year has been quoted.
~~(Copy of the Govt. order of 1891-92 is herein~~
~~enclosed~~

I have &c

Date
6.1.97

for Secretary

Draft
M

owned a piece of dry land
known as Adamiwella. At
the Survey Settlement the whole
of this land except a portion
of it which was added to Survey
No 523 - the land of the village which
was formed into two numbers
6 & 524 with a passage between
them for cattle &c. & brought
under Khoti. Petitioner
complained against this de-
privation of his land to the
Dept. Comm. intimating his
willingness however to allow
the passage. The Dept. Com-
missioner upholding the action
of the Survey Department, an
appeal was preferred to
Government, who ordered
in their Proceedings in Appeal
Suit No 152 of 1891-92 that
the whole of the land except
the passage should be

18 - 5-D

Sp 45-5

Survey Superintendent's Office
Bangalore 15th January
19 1897

To
The Secretary to the
Government of Mysore
Gl & Revenue Depart

Sir

With reference to your letter
Sp. 6102
P.F 134-92 of the 6th January 1897
I have the honor to state that
I can see no objection to the
triangular bit of land in
question being assessed and
added to the Petitioners' hold-
ing

=ing as the 2nd Assistant —
Commissioner certifies that it
is not part of the tank bed.

2 The accompaniments
received with the above under
reply are herewith returned.

I have the honor to be
Sir —
Your most obedt Servant

Supdt Mysore Revenue
Survey

17 (15) 53

Gen. Serial No. 303 4760
Pet. No. 460
20 JAN. 1897
DEWAN'S OFFICE.

Petition Mamuls
20/1/97

From The Supt. Mysore Revenue Survey

To

The ~~Chief~~ Secretary to the Government
Dewan of Mysore.

Dated Bangalore 15th January 19 1897

Despatched

Received

Enclosures No. one file of correspondence

General No. 455
No.

In reply to Secretary's No 6102
SUBJECT. P.F. 13492
dated 6.1.97

Submitting his opinion on the subject of assessing pucca Survey No 523 of Somanahally village Gundlupet Taluk

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References (to be entered only in the Dewan's Office.)

Petition Mamuls
20/1/97 4L
291 10
Subs with refce
Dy. 25/1
L.R 155-94-5
submitted with reference to the
Revenue Commissioners order
on the Mysore Dep. Comrs No
893 dt 20.11.96

The Surveyor Supt sees no objection
to the Land in question being assessed
from Dey 1897 Sept 1st
Subject to 2 Mr Commissioner's order
as short note

Receipt
26/1/97.

2 — (16) — 55

52

Proceedings of the Court of Mysore

Read:-

L.R 155-94-b

Petition No. 35 dated 26th June 1895, from Seshaiengar son of Venkata Subbia, Shanbhog of Soonahalli village in the Gundal Hr, appealing against the order of the Amildar declining to restore to the petr a piece of land alleged by the petr to have been wrongly excluded from his holding, and included as kharab into S. No. 523 at the time of settlement.

2. Letter No. 893 dated 25th November 96, from the Dy. Comr Mysore Dt, reporting to the above, that the piece of land in question is at some distance from the usual water-spread of the tank and that it is not subject to submersion.

3. Letter No. 455 dated 1st January 1897, from the Supdt of Rev. Survey in

coming within the operations of

has not been included in the

Govt order of 14th August 1892, but

in Mysore, stating that
he sees no objection to
the piece of land in question
being assessed and
added to the petitioner's
holding as it is not a
part of the tank bed.

order dated 7th April 1893

(4.) Civil decision dated
16th August 1892 in Appeal
No. 152 of 91-92, directing
that the portion of land in
which were excluded from
the appellant Seshanna's
holding as Kharab during
the time of settlement,
may be restored to
him with the exception of land required for
a pathway and
other bit of land to be
actually treated as Kharab.

order thereon
No. 7105-6 / P.& 134-92. dt. 5.2.93. Encl: Ver: file. (1269)

The grant of the triangular
piece of land in question
to the petitioner Seshanna
is sanctioned, the same
having assessed by the Dy
Collr in communi
-- cation